

Message Text

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ACTION AF-04

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R 021540Z AUG 76

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 5058

INFO AMCONSUL CAPE TOWN

AMCONSUL DURBAN

AMCONSUL JOHANNESBURG

AMEMBASSY MASERU

AMEMBASSY MBABANE

C O N F I D E N T I A L SECTION 1 OF 2 PRETORIA 3392

LIMDIS

E.O. 11652: GDS

TAGS: SF, PGOV (TRANSKEI)

SUBJ: TRANSKEI: CONDUCT OF RELATIONS WITHOUT RECOGNITION

REF: DURBAN 0351; DURBAN A-017; PRETORIA 3257

1. SUMMARY: IF TRANSKEI POLICY REVIEW CURRENTLY UNDERWAY IN DEPARTMENT RESULTS IN DECISION TO WITHHOLD DE JURE RECOGNITION OF THE TRANSKEI FOR SOME UNDEFINED PERIOD, WE NEED TO PLAN INTERIM ARRANGEMENTS FOR DEALING WITH PROBLEMS WHICH WILL INEVITABLY ARISE FROM THE DE FACTO STATUS OF TRANSKEI. WE BELIEVE IT IS IN OUR INTEREST TO KEEP A CHANNEL OF COMMUNICATION OPEN BETWEEN US AND TRANSKEIANS, AND THOSE XHOSAS IN SOUTH AFRICA WHOSE STATUS MAY REMAIN CLOUDY FOR SOME TIME. WE HAVE SOUGHT TO IDENTIFY CONTEXT WITHIN WHICH PROBLEMS ARE LIKELY TO OCCUR, SUGGESTING WAYS IN WHICH CONTACTS FOR DEALING WITH THEM COULD BE HANDLED WITHOUT PREJUDICE TO RECOGNITION. WE ALSO BELIEVE IT MAY BE USEFUL TO DISCUSS SOME ASPECTS OF DE FACTO RELATIONSHIPS WITH TRANSKEI OFFICIALS PRIOR

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TO INDEPENDENCE. END SUMMARY.

2. DURBAN A-017 OF MARCH 31 SET FORTH PRINCIPAL CONSIDERATIONS AFFECTING QUESTION OF RECOGNITION OF TRANSKEI AS INDEPENDENT STATE. ESSENTIALS REMAIN UNCHANGED. ISSUE OF TRANSKEI CITIZENSHIP, HOWEVER THORNY SOME MATANZIMA STATEMENTS MAY MAKE IT APPEAR, IS NOT LIKELY TO RESULT IN ANY DELAY IN INDEPENDENCE NOR TO DETER SOUTH AFRICA FROM DEPRIVING CERTAIN XHOSAS OF SOUTH AFRICAN CITIZENSHIP. TRANSKEI MAY INDEED RESIST ACCORDING CITIZENSHIP TO THOSE TO WHOM IT IS NOT AUTOMATICALLY GRANTED BY ITS OWN LAW, BUT ANY ADJUSTMENT PROCESS SEEMS CERTAIN TO BE LONG AND DRAWN OUT. SHEER BUREAUCRATIC PROBLEM OF SOUTH AFRICA'S IDENTIFYING THOSE XHOSAS INDIVIDUALLY AFFECTED SEEMS LIKELY TO BE SOLVED ON CASE-BY-CASE BASIS BY ACTING AGAINST INDIVIDUALS AS AND WHEN THEY COME INTO CONTACT WITH SAG MACHINERY. PRESUMABLY THOSE EXPATRIATED WOULD BE REFERRED TO SOME TRANSKEI AGENCY FOR NEW DOCUMENTATION, AT WHICH POINT TRANSKEI WOULD HAVE TO MAKE DECISION. ADEQUATE MACHINERY WILL HAVE TO BE ESTABLISHED TO HANDLE EVEN UNCONTESTED DOCUMENTATIONS, WHICH APPEARS TO MILITATE AGAINST ANY ABRUPT AND PARALYZING CONFRONTATION.

3. WE BELIEVE TRANSKEI GOVERNMENT, KNOWING THAT US HAS VERY FEW CITIZENS OR INTERESTS LOCATED IN TRANSKEI AND HOPING TO GAIN EVENTUAL RECOGNITION, WILL SEE ITS OWN INTERESTS BEST SERVED BY ADOPTING RELATIVELY COOPERATIVE ATTITUDE TOWARD USG. TRANSKEI LEADERS ARE AWARE OF REASONS FOR OUR HESITATION. THEY ALMOST CERTAINLY ASSUME WE INTEND TO WITHHOLD RECOGNITION. TO ATTEMPT TO MINIMIZE MISUNDERSTANDING AND REDUCE NEED FOR TRANSKEI TO TEST US POSITION PUBLICLY, IT MIGHT BE USEFUL PRIOR TO INDEPENDENCE TO APPRISE KAISER MATANZIMA INFORMALLY OF ESSENTIALS OF OUR POSITION. WE MIGHT WISH TO SAY THAT WHILE WE ARE NOT NOW PREPARED TO ACCORD RECOGNITION, WE WISH TO HAVE AN UNDERSTANDING ON HOW TO HANDLE MATTERS AFFECTING OUR RESPECTIVE CITIZENS SO AS TO AVOID IMPOSITION OF UNNECESSARY HARDSHIPS ON INDIVIDUALS CONCERNED. WE COULD OUTLINE FOR HIM THE PROCEDURES WHICH WE PLAN TO FOLLOW WITH RESPECT TO TRANSKEI CITIZENS WHO MAY SEEK US OFFICIAL SERVICES AS WELL
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AS WITH US CITIZENS LIVING IN OR TRANSITING THROUGH THE TRANSKEI.

4. CONSULAR SERVICES: AS IN OTHER CASES WHERE US HAS NO LOCAL REPRESENTATION, TRANSKEI CAN FOR OUR INTERNAL ADMINISTRATIVE PURPOSES CONTINUE TO BE CARRIED AS A PART OF DURBAN CONSULAR DISTRICT, UNDER GENERAL INTERNAL JURISDICTION OF EMBASSY AT PRETORIA. AS REPORTED PRETORIA 3257, SAG HAS

NOTIFIED US THAT TRANSKEI MUST BE DELETED FROM EXEQUATORS ISSUED BY SAG, SINCE IT WOULD NO LONGER EXERCISE AUTHORITY OVER AREA. THERE APPEARS TO BE NO REASON WHY WE COULD NOT TACITLY ACCEPT THIS DELETION, BUT NOT APPLY TO TRANSKEI FOR ANY FURTHER DOCUMENTATION. NOTATION ON STATUS OF TRANSKEI AS DECLARED INDEPENDENT BUT NOT SO RECOGNIZED BY US COULD BE MADE IN APPROPRIATE PUBLICATIONS SHOWING CONSULAR JURISDICTION. AS IN OTHER SOMEWHAT SIMILAR CASES, VIZ. RHODESIAN CONSULAR SERVICES PERFORMED BY JOHANNESBURG. DURBAN WOULD INSOFAR AS US IS CONCERNED BE RESPONSIBLE FOR DEALING WITH PROBLEMS ARISING IN CONNECTION WITH TRANSKEI. US VISAS CAN BE ISSUED TO QUALIFIED TRANSKEIANS ON SEPARATE SHEET OF BLANK PAPER PROVIDED THEY ARE IN POSSESSION OF APPROPRIATE TRANSKEI DOCUMENTATION. WE SHOULD SEEK TO BE FURNISHED INFORMALLY WITH DATA ADQUATE TO IDENTIFY TRANSKEI PASSPORTS AS VALID. WITH RESPECT TO OTHER TRANSKEIAN DOCUMENTS TO BE PRESENTED TO US OFFICIALS, WE WOULD NOT BE ABLE TO ATTACH OFFICIAL ATTESTATIONS OF THEIR VALIDITY, BUT COULD RECOMMEND THAT THEY BE CERTIFIED FIRST BY SOUTH AFRICAN AUTHORITIES WHOSE SEAL WE COULD THEN RECOGNIZE.

5. SOUTH AFRICAN EXPATRIATES: A DIFFICULT PROBLEM IS POSED BY THOSE INDIVIDUALS WHO MAY UNDER SOUTH AFRICAN LAW BE EXPATRIATED FROM SOUTH AFRICA AND THUS NOT BE ELIGIBLE TO RECEIVE SOUTH AFRICAN PASSPORTS, BUT WHO ARE UNABLE OR UNWILLING TO OBTAIN TRANSKEI DOCUMENTATION. A CASE COULD ARISE IN WHICH SUCH A TECHNICALLY STATELESS PERSON MIGHT SEEK TO TRAVEL TO THE UNITED STATES. SOUTH AFRICA MIGHT BE WILLING TO DOCUMENT HIM FOR DEPARTURE BUT NOT FOR RETURN IN ORDER TO COMPEL SUCH A PERSON TO TAKE TRANSKEI CITIZENSHIP. IN GENERAL WE WOULD RECOMMEND KEEPING CLEAR OF SUCH CONTROVERSY BY NOT ISSUING VISAS
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TO ANY PERSONS WHO ARE NOT IN POSSESSION OF A DOCUMENT ENTITLING THEM TO RE-ENTRY INTO SOME SPECIFIED JURISDICTION. THERE MAY ARISE A FEW CASES IN WHICH EXCEPTIONS MIGHT BE USEFULLY MADE BUT STRICTLY ON A CASE-BY-CASE REFERRED TO THE DEPARTMENT FOR DECISION.

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ACTION AF-04

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 INR-05 CIAE-00

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R 021540Z AUG 76

FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 5059

INFO AMCONSUL DURBAN

AMCONSUL CAPE TOWN

AMCONSUL JOHANNESBURG

AMEMBASSY MASERU

AMEMBASSY MBABANE

C O N F I D E N T I A L SECTION 2 OF 2 PRETORIA 3392

LIMDIS

6. TRAVEL BY US CITIZENS: PRIVATE US CITIZENS WILL NO
DOUBT CONTINUE TO TRAVEL TO TRANSKEI FOR PLEASURE AND
BUSINESS REASONS, AND THERE APPEARS TO BE NO REASON WHY
THIS SHOULD BE DISCOURAGED BEYOND A GENERAL WARNING THAT,
AS A CONSEQUENCE OF A LACK OF DIPLOMATIC RELATIONS, THE
ABILITY OF THE USG TO OFFER PROTECTIVE SERVICES IS
LIMITED. IT SHOULD BE POSSIBLE TO DEVELOP A LIST OF SOUTH
AFRICAN AND TRANSKEIAN ATTORNEYS WHO COULD ACT IN BEHALF
OF ANY DETAINED AMERICAN IN THE TRANSKEI. WE MAY WISH TO
SUGGEST ORALLY TO TRANSKEI OFFICIALS THAT IN SOME
PARTICULARLY SERIOUS INSTANCE A US OFFICER MIGHT WISH TO
CALL INFORMALLY ON TRANSKEI AUTHORITIES IN AN EFFORT TO
RESOLVE MATTERS IN A MUTUALLY SATISFACTORY MANNER.

7. TRAVEL BY US OFFICIALS: IN FORMULATING OUR POLICY
WE WILL WANT TO TAKE INTO CONSIDERATION THE POSITION
ADOPTED BY GOT AND HOW MUCH WE WANT TO AVOID CONTACT WITH
THE TRANSKEI. IF TRANSKEI PERMITS ENTRY AND TRANSIT OF
PERSONS BEARING OFFICIAL OR DIPLOMATIC PASSPORTS WITHOUT
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REQUIRING THEM TO FILL OUT FORMS OR OTHERWISE TAKE ACTIONS
THAT WOULD PREJUDICE OUR POSITION OF NON-RECOGNITION,
THEN VISITS OR TRANSITS FOR PRIVATE PURPOSES COULD CONTINUE
WITHOUT PREJUDICE TO OUR POSITION ON RECOGNITION. THE

NUMBER OF SUCH TRANSITS IS QUITE SMALL, CONSISTING MAINLY OF VACATIONERS FROM NEARBY POSTS OR EMPLOYEES IN TRANSIT BETWEEN PRETORIA AND CAPE TOWN IN CONNECTION WITH THE REGULAR MOVES. WE WOULD IN ANY EVENT WISH TO CONTROL THE OCCASIONS ON WHICH US OFFICERS MIGHT MAKE CALLS OR ENGAGE IN PROFESSIONAL CONTACTS, PARTICULARLY VISITS BY US OFFICERS OF SENIOR RANK WHOSE ACTIVITIES MIGHT BE SUBJECT TO SPECIAL SCRUTINY OR PERHAPS MISINTERPRETATION. ON THE OTHER HAND, SHOULD THE TRANSKEI REQUIRE APPLICATIONS TO BE MADE OR DOCUMENTS TO BE ISSUED IN A MANNER THAT IMPLIED RECOGNITION, THEN TRAVEL BY US EMPLOYEES WOULD HAVE TO BE CONFINED TO THOSE VERY FEW EXCEPTIONAL INSTANCES IN WHICH PROTECTION OF CITIZENS OR SPECIAL CONTACTS MIGHT SEEM TO WARRANT SEEKING INDIVIDUAL ARRANGEMENTS. THIS SITUATION MAY AFFECT SOME AID AND PEACE CORPS PERSONNEL WORKING IN LESOTHO'S SOUTHERN AREA WHERE MOVEMENT FROM ONE PART OF LESOTHO TO ANOTHER INVOLVES TRANSITING THE TRANSKEI; THIS, HOWEVER, DOES NOT SEEM TO BE AN INSURMOUNTABLE PROBLEM SINCE ALTERNATIVE ARRANGEMENTS COULD BE MADE TO AVOID TRANSIT.

8. ATTENDANCE AT TRANSKEI FUNCTIONS: WE THINK IT ADVISABLE THAT US OFFICERS NOT ATTEND ANY PUBLIC FUNCTION IN THE TRANSKEI OR ANY FUNCTION SPONSORED BY THE TRANSKEI GOVERNMENT OUTSIDE THE TRANSKEI. WE WOULD NOT EXTEND INVITATIONS TO TRANSKEI OFFICIALS NOR ACCEPT THEM, BUT WOULD NOT AVOID CONTACT AT AFFAIRS UNDER ANY OTHER SPONSORSHIP OR HOSTING.

9. US INVESTMENT AND ASSISTANCE: IT SHOULD BE CLEAR TO THE TRANSKEI THAT WE WOULD NOT ENTERTAIN ANY REQUESTS FOR OFFICIAL US ASSISTANCE. IF ANY PRIVATE US INDIVIDUAL, FIRM OR GROUP WISHED TO CONSIDER UNDERTAKING INVESTMENT OR ACTIVITIES IN THE TRANSKEI IN A PURELY PRIVATE CAPACITY, WE SEE NO ADVANTAGE IN OBJECTING ALTHOUGH WE SHOULD POINT OUT THE LIMITATIONS ON PROVIDING PROTECTIVE SERVICES. WE RECOMMEND AGAINST INSTITUTING ANY SPECIFICALLY NEGATIVE STANCE VIS-VIS PRIVATE ENTERPRISE IN THIS INSTANCE UNLESS THE

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GOT ADOPTS AN UNFRIENDLY ATTITUDE AS A RESULT OF OUR NON-RECOGNITION.

10. INTERNATIONAL VISITOR AND OTHER SIMILAR PROGRAM: NO CITIZEN OR OFFICIAL OF THE TRANSKEI WOULD BE NOMINATED FOR OFFICIALLY SUPPORTED PROGRAMS.

11. ANNOUNCEMENT OF US POSITION: THE BRITISH STATEMENT THAT RECOGNITION OF TRANSKEI WOULD BE WITHHELD CAME AS NO SURPRISE EITHER TO SOUTH AFRICA OR TO TRANSKEIAN OFFICIALS, AND WE BELIEVE THAT A SIMILAR US POSITION IS

ANTICIPATED. WE WOULD RECOMMEND THAT NO SPECIAL ANNOUNCEMENT BE MADE. OUR POSITION SHOULD BE ALLOWED TO COME TO LIGHT THROUGH RESPONSES TO PRESS INQUIRIES OR IN THE CONTEXT OF SOME GENRAL STATEMENT ON AFRICAN POLICY.

12. ACTION REQUESTED:

(A) IF THE DECISION TO RECOGNIZE IS NEGATIVE AND ONCE THE ESSENTIALS OF HOW WE PLAN TO HANDLE OUR RELATIONS WITH A DE FACTO TRANSKEI HAVE BEEN DETERMINED, WE RECOMMEND THAT WE BE AUTHORIZED TO INFORM CHIEF MATANZIMA OF OUR THINKING PRIOR TO ANY PUBLIC STATEMENT OF OUR POSITION. SUCH ADVANCE DISCUSSION WOULD, WE BELIEVE, MINIMIZE CHANCES OF MISUNDERSTANDING. FOR THE PURPOSE OF SUCH A MEETING WE WOULD RECOMMEND THAT CONGEN DURBAN AND EMBASSY POLITICAL COUNSELOR CALL TOGETHER AT UMTATA DURING LATE SEPTEMBER.

(B) BRITISH ARE ACTIVELY CONSIDERING HOW THEY WILL HANDLE CONTACTS WITH THE TRANSKEI DURING THE NON-RECOGNITION PERIOD. DEPENDING ON THE OUTCOME OF THE POLICY REVIEW, DEPT MAY WITH TO AUTHORIZE LONDON TO DISCUSS THESE MATTERS WITH CFO WITH A VIEW TO DETERMINING THEIR THINKING AND HARMONIZING PRACTICES AS MUCH AS DESIRABLE.

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